

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**ZACK ELLIS, GERONIMO PEREZ,  
ARTURO SALINAS, JARROD M. DANIEL,  
and KERRY TAWATER, individuals,**

**Plaintiffs,**

**vs.**

**TRI-STATE OIL FIELD SERVICES, Inc.,  
a Texas Corporation, RICARDO “RICKY”  
CANTU, an individual, RICKY’S  
TOWING OF AMARILLO, LLC,  
a Texas limited liability company, KATRINA  
KINCAID, an individual, and CANTU  
TOWING, LLC, a Texas limited liability  
company,**

**Defendants.**

**CASE NO. 2:15-CV-00058-J**

**JURY TRIAL DEMANDED**

**JOINT NON-BINDING MEDIATION STATUS REPORT**

**TO: THE HONORABLE MARY LOU ROBINSON, U.S. DISTRICT JUDGE:**

Pursuant to the Court’s Original Rule 16 Scheduling Order and the Court’s Order Referring Case to Mediation of June 30, 2015 (Dkt. 30), the parties file their Joint Non-Binding Mediation Status Report.

**I.**

**SETTLEMENT STATUS**

1. The parties conducted their joint conference on Monday, June 29, 2015, with Darrell Carey, Esq., as attorney for the Defendants and Philip R. Russ, as attorney for the Plaintiffs. The following is the result of that conference:

2. The parties have previously conferred about the nature and basis of Plaintiffs' claims and the Defendants' defenses. The parties agree that meaningful settlement discussions are premature at this time as additional discovery needs to be completed and there is a Motion for Notice and Mail-out pending that has yet to be ruled upon. Until that motion is ruled on the parties are uncertain as to the total number of plaintiffs which inhibits settlement negotiations.

3. Pursuant to the Court's original Rule 16 Scheduling Order, the deadline for completion of discovery is September 21, 2015. Plaintiffs have initiated written discovery and will be complete in the near future, and certainly in advance of the Court's deadline for the completion of discovery. The parties likewise agree to schedule and take depositions within the Court's deadline for completion of discovery and are working together to schedule necessary depositions.

4. The parties have discussed a mediation but for the foregoing reasons believe mediation is premature.

5. Pursuant to the second paragraph of the Court's Order, the parties have further conferred about the nature and basis of Plaintiffs' claims and defendants' defenses. The parties further agreed that settlement discussions are premature at this time as additional discovery need to be completed. The parties have not started their depositions in this case.

6. The attorneys are cooperating with each other and believe most issues between them can be resolved without Court intervention. The attorneys request mediation be scheduled after the Court's deadline for completion of discovery, as this would give the parties sufficient time to complete discovery and would lead to a more meaningful mediation.

7. The attorneys are cooperating with each other and believe most issues between them can be resolved without Court intervention.

Dated this 17<sup>th</sup> day of July 2015.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of July, 2015, I electronically filed the foregoing document with the Clerk of the Court for the Northern District of Texas, by using the CM/ECF system which will send a notice of electronic filing to the following CM/ECF participant:

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By: /s/ Philip R. Russ  
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